

Notice of Allowability

Application No.

10/601,275

Examiner

Dah-Wei D. Yuan

Applicant(s)

YE ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/23/06.
2. ☒ The allowed claim(s) is/are 1-3, 5-10 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

**METHOD OF MAKING A MEMBRANE ELECTRODE ASSEMBLY FOR
ELECTROCHEMICAL FUEL CELLS**

Examiner: Yuan

S.N. 10/601,275

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December 8, 2006

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2006 has been entered. Claim 1 was amended.

2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action on July 3, 2006.

Claim Rejections

3. The claim rejections under 35 U.S.C. 102(e) as anticipated by Kosako et al. on claims 1-4,10 are withdrawn because the independent claim 1 has been amended. The claim rejections under 35 U.S.C. 103(a) as obvious over Kosako et al. as applied to claims 1-4,10, and further in view of Oh et al. on claims 5-8 are withdrawn because the independent claim 1 has been amended. The claim rejections under 35 U.S.C. 103(a) as obvious over Kosako et al. as applied to claims 1-4,10, and further in view of Yoshida et al. on claim 9 are withdrawn because the independent claim 1 has been amended. Claim 12 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Kosako et al. as applied to claims 1-4,10 above are withdrawn because the independent claim 1 has been amended.

Reasons for Allowance

4. Claims 1-3,5-10,12 are allowed. The invention of independent claim 1 recites a method of making a membrane electrode assembly comprising providing a first gas diffusion layer, providing an one-sided catalyst, providing a gas diffusion electrode having a sintered catalyst layer coated on a second gas diffusion layer, wherein the sintered catalyst layer is the anode catalyst layer and wherein sintering of the anode catalyst layer is at a temperature between about 330°C and 420°C, bonding the first gas diffusion layer to the one-sided catalyst coated membrane, and bonding the gas diffusion electrode to the one-side catalyst coated membrane. The closest prior art of record, Kosako et al, does not teach sintering of the anode catalyst layer is at a temperature between about 330° and 420°C as stated in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan
December 8, 2006



DAH-WEI YUAN
PRIMARY EXAMINER